

To the Right Honorable ~~the~~ Grand Committee for GRIEVANCES.

The Remonstrance and Case of Martha Arundel.

**T**Hat her former Husband *Simon Hatt* being an Officer of Horse in *Ireland*, in the beginning of the horrid Rebellion in the year 1641. was Robbed by the *Irish* Rebels of all his visible Substance, but only one Trunk of Plate, Money and other things of a great considerable value, and brought them (with much difficulty) unto an *English* Garrison in *Connaugh*; after which her said Husband died in the actual service of the Parliament of *England*, and under the Command of *Sir Charles Coote* Lord President of *Connaugh*: And this Petitioner afterwards lived in the *English* Garrisons of *Castellcoote*, *Roscoman* and *Athlone*, until they were severally taken in by the Rebels, during which time she sent much money towards the supply of those Garrisons, and relieving of several distressed *English* Protestants stript by the *Irish*, and come thither for safety of their lives, as by several authentick Certificates remaining with her appears.

II. That she being an *English* Protestant, took advantage of the Cessation for Transporting her self and her Trunk towards *Dublin*, and so for *England* to her Kindred and Friends, was upon the Road high-way thither, in the year 1646. at or near *Mullingar* in the County of *Westmeath* set upon by one *David Shorne*, an Officer, and Arch-traitor amongst the said *Irish* Rebels, and her Trunk broken open by him, and severall parcels of Plate he then there out took forceably to the value of Fourscore pounds and upwards, and left her stripped to go on foot to *Dublin* (being forty long miles from thence) without Guide or Convoy, to the often endangering of her life, contrary to the Articles of Cessation agreed upon.

III. That this Petitioner afterwards Sued the said *David Shorne* before the Commissioners for Administration of Justice in *Dublin*, which was then the alone Judicatory afoot in *Ireland*, and upon full hearing of her Cause, and the said *David Shorne's* Defence, the said Court adjudged the said *David Shorne* to pay her Fourscore pounds, together with Six pounds three shillings six pence Costs expended in the said Suit; And granted (withal) an Execution thereupon to the Sheriffs to execute the tenor of the said Decree upon him, which said *Shorne* hid himself out of the way that he might not be taken in Execution for the same.

IV. That the Four Courts at *Dublin* being (suddenly afterwards) established, this Petitioner was constrained to get a *Certiorari* out of the High Court of Chancery, there to remove the said Pleadings and Decree, to the end she might obtain a new Execution thereupon; But the said *David Shorne* there appeared, and shewed a Protection on which he had gotten from *Sir Theophilus Jones* a Commander in the *English* Army, (which formerly he never pleaded in the said Court for Administration of Justice) and this Petitioner conceiveth and believeth he never formerly had, but at that very time, obtained the same to put a delay unto your Petitioners said Suit. The Tenor of which Protection followeth in these words, *viz.* Whereas Major *David Shorne* for divers sufficient reasons is received into the protection of the Common-wealth of *England*: These are therefore to assure him of all safety both in his person, family and goods; and that he the said Major *David Shorne*, shall not suffer nor be liable to answer or be otherwise molested, sued, or troubled for any act or acts, thing or things whatsoever, committed or done by him since the beginning of the Rebellion in *Ireland*, murder and massacre only excepted: Whereof all concerned are desired to take notice, and quietly to permit the said Major *David Shorne* with his family and goods to live peaceably within the quarters without let or molestation, he behaving himself as becometh. Dated June 12. 1651. Signed *Theophilus Jones*.

V. That your Petitioner pressing (by her Counsel) to have the said Execution upon the said Decree renewed, the Lords Commissioners of the said High Court of Chancery, did think fit to call some of the Officers of the Army to take advice withal how far the said Protection might extend to free the said *David Shorne* from satisfying of the said Decree: And thereupon *Sir Hardis Waller*, Major *Morgan*, and the said *Sir Theophilus Jones* (who indeed was the contriver of the delay against this Petitioners said Suit, and the only stay and protection the said *Shorne* had) delivered in their advice to the said Commissioners of the said Court of Chancery, whereby the said *Shorne* (contrary to law and equity) was dismissed as by the said Order of Chancery (wherein the said Officers advice is inserted) may more at large appear; the true Copy whereof followeth in these words, *viz.*

Being present the Lords Commissioners for the Custody of the Great Seal. Thursday the 28. day of February, 1655.

Between *George Arundel* and *Martha* his Wife, Plaintiffs; and *David Shorne*, Defendant.

**T**HIS Cause having been by Writ of *Certiorari* removed out of the late Court for Administration of Justice at *Dublin* into this his Highness Court of Chancery it appeared upon the Return of the said *Certiorari*, That the Plaintiffs the last day of July last, obtained a Decree in that Court against the Defendant, for Fourscore pounds for several pieces of Plate taken away by the Defendant from the Plaintiff *Martha* near *Mullingar* in the County of *Westmeath* about the moneth of February 1646. and for Damages suffered by the Defendant detaining of the said Plate, with Six pounds three shillings six pence costs of Suit, and a Writ of *Scire facias* having issued out of this Court against the Defendant to the Sheriff of the County of *Westmeath*, commanding the said Sheriff to make known to the Defendant that he should appear in this Court, and shew cause (if any he could) why the said Decree given in the said late Court should not be put in Execution against him: The Defendant thereupon appeared, and to the said *Scire facias* pleaded, that there were Articles given him by Colonel *Sir Theophilus Jones*, one of the Colonels and Commanders of the Common-wealths Army in this Nation thereunto authorized, whereby he alleaged he was indemnified and freed from the Plaintiffs demand, and the defendant producing the said Articles in this Court, it appeared that he having been in armes with the Rebels, upon his submission to the obedience of the State had Articles given him by the said Colonel *Jones*, for the observing whereof the Court being very careful as far as they might bear, did think fit, before any final Order were given in the matter in question, to have conference with some prime Officers of the Army, and on the Eighth day of this moneth, did appoint a day for the further hearing of the Cause, and desired several Officers of the Army to be present, and this day the Court with the assistance of *Sir Hardis Waller* Major General of the Army, the said Colonel *Jones*, and Major *Anthony Morgan*, three of the said Officers who were desired by the Court to be present upon the Debate of the said Articles proceeded therein; and upon full debate thereof by the Plaintiffs Counsell, and by the Defendant and his Atturney, and upon hearing what could be offered on all sides the Court desired the opinion of the said Officers before named upon the said Articles, and they all agreed that the Defendant is thereby indemnified against the Plaintiffs and their Demands, for the Plate, Damages and Costs aforesaid, of which opinion of the said Officers the Court doth approve, and doth therefore dismiss the Defendant from the Plaintiffs suit, but without any Costs, in regard they had probable cause of Suit.

A true Copy *William Summers*.

VI. That your Petitioner finding her self agrieved, repaired for redresse to the High Court of Parliament here in *England*, and upon laying forth her cause in Anno 1657. the Parliament was pleased to desire his Highness the late Lord Protector to take her and her cause into further consideration; and his Excellency thereupon referred the hearing, and reporting the truth thereof unto his Council, who upon full hearing and debate thereof, made this following Report. *viz.*

July 26. 1657. By the Committee of the Council to whom the humble Petition of Martha Arundel was referred.

**W**E have considered of the Humble Petition of *Martha Arundel* a Native of *England*, in behalf of her self and a poor Orphan her Daughter, being recommended by the Parliament to his Highness consideration, to do therein as his Highness shall in his Wisdom think fit, and to Us referred by the Councils Order of the 16. of July. She therein setting forth her affection, and contributing to supply the necessity of the Forces in *Ireland*, the death of her first Husband Cornet *Simon Hatt* in the service against the Rebels, and that there is a good arrear due to him in respect thereof, as also her loosing by the fury of the enemy 1000 l. and upwards; her last Husband also being an Officer there for the Common-wealth; and her being robbed of a quantity of Plate in her coming to *Dublin* by one *David Shorne*; and upon hearing of the Petitioner by her Counsel, we finde the matter insisted upon to be only the business of her Plate whereof she was robbed by *David Shorne* as aforesaid, the state whereof we finde to be as followeth.

The Petitioner with her Husband *George Arundel* sues the said *David Shorne* in the Court for Administration of Justice in *Dublin*, and in July 1654. obtained a Decree against him for 80 l. for several pieces of Plate taken from her by *Shorne* about February 1646. and Damages, with 6 l. 3 s. 6 d. Costs of Suit, and that the Cause being by *Certiorari* removed into the Court of Chancery, a Writ of *Scire facias* issued out of the Chancery against *Shorne* to shew cause why the said Decree should not be put in Execution against him. To which the said *David Shorne* appeared, and pleaded Articles given him by Colonel *Sir Theophilus Jones*, which Articles we have perused, the same bearing date 12. June 1651. and reciting, that Major *David Shorne* for divers sufficient reasons is received into the protection of the Common-wealth of *England*, and therefore assuring him of all safety in his person, family, and goods, and that he shall not be liable to answer or otherwise be molested, sued, or troubled for any act, or acts, thing, or things whatsoever, committed or done by him since the Rebellion in *Ireland* (murder and Massacre only excepted) whereof all concerned are desired to take notice, and quietly to permit the said Major with his family and goods to live peaceably within the quarters without let or molestation, he behaving himself as becometh. On consideration whereof, the said Court of Chancery, did, 28. Feb. 1655. with the assistance of *Sir Hardis Waller*, the said Colonel *Jones*, and Major *Anthony Morgan*, three of the Officers of the Army, (who being desired to give their opinion upon the said Articles, did all agree that the said Major *Shorne* is thereby indemnified against the Petitioner, and her demand for the Plate, Damages and Costs aforesaid) dismiss the said *Shorne* from the Petitioners Suit. From which sentence the Petitioner exhibits her Petition in the nature of an Appeal. On consideration of all which we being not satisfied as the matter appears to us, that the said Articles being but in the nature of a Petition, are a sufficient bar from the Petitioners having relief against the said *David Shorne*, in her private action for a personal wrong done during the Cessation; Are humbly of an opinion, That the Lord Deputy and Council of *Ireland*, be by Letters appointed, to take effectual Order, that the said *David Shorne* do pay to the Petitioner the said 86 l. 3 s. 6 d. for the Plate, Damage, and Costs according to the said Decree, or give her satisfaction for the same some other way; and that 10 l. be paid the Petitioner out of the Councils Contingencies for her present support. All which we submit to the further consideration of this Honourable Board. A true Copy.

Now so it is, Right Honourable, That since the said Report made, your Petitioner can get neither Execution upon the said Decree, nor Orders to the Lord Chancellor of *Ireland* to cause the said Report to be put in Execution. And forasmuch as your Petitioner is a free-born Subject and Native of *England*, outed of her Estate by the Rebels, and hath remained here in *London* these two years past, to wait a conveniency to have her said cause heard in this Honourable Assembly, and there to get redress of her Grievances; And that she hath the care and charge of a poor Orphan Daughter on her hands, and nothing to relieve them both, but the charity of Friends, and sale of her Apparel to get food: And that the said *David Shorne* at the beginning of the *Irish* Rebellion had nothing to live upon, but (by the sad barbarous war) hath enriched himself with the Robberies and Spoils of the *English* Protestants, and therewith hath purchased friends to bear him out in his Villanies, under the feigned pretence of the beforementioned Protection, signed by the said *Sir Theophilus Jones*; which Protection this Petitioner humbly conceiveth, cannot bear him out against payment and restitution for Goods unlawfully forced from loyall Subjects in the time of a Cessation, and not in prosecution of a War. Only it may shelter him from the punishment of the Law therefore as a Thief and Robber, and not otherwise. May it therefore please your Honours (for Gods cause) to give order that the beforementioned Decree obtained by your Petitioner against the said *David Shorne* for 86 l. 3 s. 6 d. may be put in full and present Execution against his the said *Shorne's* body and Goods, together with such additional Costs, Charges, and Expenses she laid out in her repair hither, to get right at this Throne of Justice and Mercy, which in *Ireland* she hath not obtained, as to your Wisdoms shall seem meet, which will be a means to keep her and her family from starving. And she shall ever pray for the encrease of Honour and Happin. as upon you all.

All the Pleadings, Warrants and Orders concerning the progresse of this Suit, the Petitioner hath ready to produce, when your Honours shall please to call for them.

*Martha Arundel.*